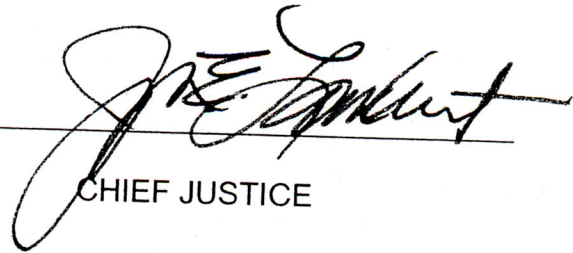


# Supreme Court of Kentucky

**IN RE:      Order Approving Amendments to the Rules of Court Practice  
                 and Procedure for the Fifty-Seventh Judicial District, Nelson  
                 District Court**

The amendments to the Rules of Court Practice and Procedure for the  
Fifty-Seventh Judicial District, Nelson District Court, are hereby approved.

ENTERED: October 12, 2001.



CHIEF JUSTICE

COMMONWEALTH OF KENTUCKY

57<sup>TH</sup> JUDICIAL DISTRICT

ORDER SETTING RULES OF COURT PRACTICE AND PROCEDURE IT IS  
HEREBY ORDERED:

EFFECTIVE DATE OF RULES

These Rules of Court Practice and Procedure of the 57<sup>th</sup> Judicial District are adopted pursuant to SCR 1.040(3)(a), Rcr 13.02, and other applicable law, and shall apply after October 1, 2001, to all criminal and civil matters filed or pending, subsequent to certification to the Honorable Chief Justice of the Commonwealth of Kentucky as required by law. All former rules, orders and memoranda of this court in conflict herewith are repealed effective October 1, 2001. Additional Rules of Practice may be adopted as needed from time to time in the discretion of this court and the foregoing Rules may be amended, deleted or added to as decreed.

This 11 day of September, 2001.



Robert W. Heaton  
Nelson District Judge  
Courthouse  
Bardstown, KY 40004  
Telephone: (502) 348-2012

## GENERAL RULES OF PROCEDURE

### STYLE OF PLEADINGS

1. All civil complaints and subsequent pleadings that add additional parties shall contain the name and address of all parties first named to the action.

2. All pleadings and legal papers, except the complaint, shall set forth the case number of the action the pleading or legal paper is being filed in. If any legal paper is filed in more than one action, it shall contain all the case numbers it is to be filed in at the time it is filed with the Clerk's Office and a copy shall be furnished for each case.

### MOTIONS

1. Motions shall be heard on the days and at the times set forth on the Court calendars which shall be promulgated from time to time.

2. Motions involving an emergency which may cause irreparable harm or injury to persons or property by delay in waiting until the next scheduled motion hour, may be heard when the Court's schedule permits and with prior oral approval of the Court. In such instances the Court will make the decision as to whether or not the issue constitutes an emergency.

3. To facilitate the preparation of the motion docket, all motions shall be filed and served not later than 48 hours prior to the scheduled hearing on the motion, excluding Saturdays, Sundays and holidays, if service is made in person. If copies to opposing counsel are served by mail, said motion must be filed not later than five (5) days prior to the day of said hearing on the motion. Copies of motions shall be served on the Court only when the subject matter of the Motion may be contested. (For example, if the Motion is simply to set a matter for trial, there is no need to serve a copy on the Court.).

4. All motions shall be separately paragraphed and separately numbered.

### APPEARANCES, SUBSTITUTIONS, STIPULATIONS:

Whenever a party has appeared by attorney he may not thereafter appear or act in his own behalf in the action, or take any step therein, unless an order of substitution shall first have been made by the court after reasonable notice to the attorney by such party, and to any opposite party; provided that the court may in its discretion hear a party in open court, notwithstanding the fact that he has appeared or is represented by an attorney.

### CONTINUANCES:

All cases set for trial or pre-trial conference shall be heard at the time and on the date set unless by direction or order of the Court, on good cause shown, same are properly continued

pursuant to the Kentucky Rules of Civil or Criminal Procedure. Each party shall be allowed one continuance as long as the basis for the continuance is not frivolous. In order for any party to obtain a second continuance, an emergency which may cause irreparable harm or injury must be shown by affidavit of the party or parties, supported by additional affidavits, if necessary, to show the possibility of irreparable harm or injury.

### ATTORNEYS

1. All pleadings and papers requiring the signature of an attorney shall set forth on the last page thereof the typed name, complete address of counsel, including telephone number and fax number.

2. All attorneys appearing in Court shall appear in proper attire. Any attorney appearing in inappropriate attire will be so advised, individually and in private. All litigants and witnesses shall appear in clean modest clothing. All attorneys are directed to advise their clients and witnesses of this rule.

### ARRAIGNMENTS AND PRE-TRIAL CONFERENCES

Defendants shall be required to appear in person for their arraignment for any felony charge and any DUI charge in which a Pre-Trial Suspension of the Defendant's drivers license is required. In all other matters, Defendants who are represented by attorneys will not have to appear at arraignment. Attorneys are expected to notify their clients to be present for Pre-Trial Conferences if it is anticipated that a settlement may be reached in the Defendant's case.

Pre-Trial Conferences shall be assigned for a date twenty-one days following the Defendant's arraignment unless good cause is shown to expedite the matter.

### DUI SENTENCING

Whenever a Defendant wishes to enter a plea of guilty to a charge of DUI, the Defendant and his attorney, if applicable, shall be responsible for bringing the appropriate Plea Agreement, Sentencing Order, Work Release Order (if applicable) House Arrest Order (if applicable), Community Service Order (if applicable) to the bench when the Defendant intends to enter the Plea. These forms are available from the District Judge. Defendants who are pleading guilty to a second or third offense DUI shall bring the license plates off all of their motor vehicles to the sentencing, proof that they have transferred the vehicle out of their name or application for hardship exemption, whichever is applicable.

Attorneys are further directed to confer with their client about which alcohol treatment facility the Defendant will attend and have this information included on the Sentencing Order.

## TRIALS AND JUDGMENTS

### DEFAULT JUDGMENTS AND AGREED ORDERS

1. A party seeking a judgment by default shall first file a written notice for such a judgment. All such motions shall be heard ex parte and shall not be scheduled on Motion Day dockets. The motions shall be accompanied by an affidavit in full compliance with 50 USCA, Appl. Sec. 520, and the certificate required by CR 55.01. The Judgment per se, when presented to the Court, must also contain a statement by the attorney for the party seeking such a judgment conforming with the certificate required by CR 55.01.
2. Agreed Orders and judgments shall be submitted to the Court at any time at the convenience of the Court and shall not be placed on any Motion Day docket.
3. No orders or judgments tendered to the court shall contain the letterhead or other printed identification of counsel submitting the same.
4. All criminal and civil trials shall start promptly at 10:00 a.m. However, the parties and counsel shall be present in court at 9:00 a.m. on trial dates. Counsel shall notify the Court at 9:00 a.m. if there are any Pre-Trial Motions (i.e. Motions in Limine) that need to be presented to the Court prior to the start of trial.
5. In cases where Defendants have been sentenced to a term of imprisonment, sentencing will take place immediately following the completion of the trial. Defendants will immediately begin serving their sentences unless a Notice of Appeal and the appropriate appeal bond are immediately posted.

### PROBATE MATTERS

1. All probate, name changes and appointment of Guardians shall be heard on the days and at the times set forth on the Court calendars which shall be promulgated from time to time. In those estates where it is appropriate, the Court will waive surety on a Fiduciary's bond upon proper compliance with the provisions of KRS 395.130(1).
2. Informal Settlements of decedents's estates are encouraged by the Court. See KRS 395.605.
3. Except for good cause shown, the Court will not appoint a guardian for a minor or other person under disability who is entitled to receive a sum of money not exceeding ten thousand (\$10,000.00). See KRS 387.280.
4. On Motion of a Fiduciary the Court may, in its discretion, waive surety on a guardian Fiduciary bond if the guardian agrees to deposit all of the ward's estate in a blocked account subject to withdrawal by the guardian or a conservator only upon authorization of the District Court. All requests to place funds in a blocked account shall be accompanied by a proposed Order. See KRS 387.122.

## SUBPOENA

All subpoenas to be served by the Sheriff shall be delivered to his office at least 10 days prior to the trial date, except in cases in which the order setting them for trial is less than two weeks prior to the trial date, in which event the subpoenas shall be delivered not later than 48 hours after the order setting the case for trial. No continuances will be granted due solely to the failure to have a witness subpoenaed unless it is certified that this rule was complied with or other good cause is shown.

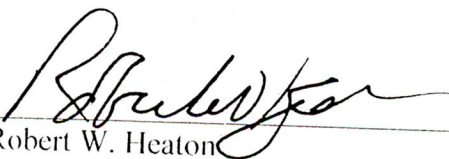
## ORDER OF TRIALS

Cases assigned for a Jury Trial date will be taken in the following manner.

1. DUI cases.
2. Defendant's who are presently incarcerated on the charge.
3. Mental Health cases
4. Disability determination.
5. Paternity cases
6. Civil cases in the order they are filed
7. Criminal cases in the order they are filed.

All parties shall notify the court and the District Court clerk within 24 hours of the settlement of any case set for Jury Trial.

Adopted this 11 day of September, 2001.

  
Robert W. Heaton  
Judge, Nelson District Court

COMMONWEALTH OF KENTUCKY


57<sup>TH</sup> JUDICIAL DISTRICT

ORDER SETTING RULES OF COURT PRACTICE AND PROCEDURE IT IS  
HEREBY ORDERED:

EFFECTIVE DATE OF RULES

These Rules of Court Practice and Procedure of the 57<sup>th</sup> Judicial District are adopted pursuant to SCR 1.040(3)(a), Rcr 13.02, and other applicable law, and shall apply after October 1, 2001, to all criminal and civil matters filed or pending, subsequent to certification to the Honorable Chief Justice of the Commonwealth of Kentucky as required by law. All former rules, orders and memoranda of this court in conflict herewith are repealed effective October 1, 2001. Additional Rules of Practice may be adopted as needed from time to time in the discretion of this court and the foregoing Rules may be amended, deleted or added to as decreed.

This 10 day of September, 2001.



Robert W. Heaton  
Nelson District Judge  
Courthouse  
Bardstown, KY 40004  
Telephone: (502) 348-2012